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NOTIFICATION.

No. L.D. 2026—Legis. 3-50-8, Bangalore, dated 5th October 1950.

Ordered that the accompanying Bills No. 47, 50, 51, 53, 54 and 55 of 1950. published in the *Gazette of India*, Part II, Section 2, dated the 12th August 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

Bills and Reports of Select Committees on Bills.

PARLIAMENT OF INDIA.

The following Bill was introduced in Parliament on the 2nd August, 1950 :—

BILL No. 47, OF 1950.

A Bill to amend the Minimum Wages Act, 1948.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Minimum Wages (Amendment) Act, 1950.

2. *Amendment of section 3, Act XI of 1948.*—For clause (*a*) of sub-section (*1*) of section 3 of the Minimum Wages Act, 1948 (hereinafter referred to as the said Act), the following clause shall be substituted and shall be deemed always to have been substituted, namely :—

"(*a*) fix the minimum rates of wages payable to employees employed in all scheduled employments—

(i) in the case of an employment specified in the Schedule at the commencement of this Act, before the expiry of three years from such commencement; and

(ii) in the case of an employment included in the Schedule by a notification under section 27, two years or, as the case may be, three years from the date of such notification according as the employment is included in Part I or Part II of the Schedule;"

3. *Validation of certain action taken under Act XI of 1948.*—No minimum rate of wages fixed under section 3 of the said Act, and no action taken for fixing minimum rate of wages under any provision of the said Act, in an employment specified in Part I of the Schedule thereto, between the 15th day of March, 1950 and the 15th day of June, 1950 shall be invalid, merely because such rate was fixed or action was taken after the expiry of the period specified in clause (*a*) of sub-section (1) of section 3 of the said Act as originally enacted.

4. *Repeal of Ordinance XVII of 1950.*—The Minimum Wages (Extension of Time) Ordinance, 1950 (XVII of 1950), is hereby repealed.

STATEMENT OF OBJECTS AND REASONS.

Under clause (*a*) of sub-section (*1*) of section 3 of the Minimum Wages Act, 1946 (XI of 1948), the appropriate Governments were required to fix minimum rates of wages in respect of the employments specified in Part I of the Schedule to the Act before the 15th March, 1950. The Union Government and most of the State Governments, for one reason or the other, have not been able to fix minimum rates of wages in respect of those employments by the stipulated date. Steps, however, are being taken to fix the rates as early as possible. The minimum rates of wages fixed after the 15th March, 1950 or any action taken under the enactment after that date could be contended as bad in law, because action was not taken within the period specified in the Act. To get over this difficulty and also to legalise the actions taken by the appropriate Governments regarding the fixation of minimum rates of wages in those employments after the 15th March, 1950, the Minimum Wages (Extension of Time) Ordinance, 1950, was promulgated. Since the Ordinance will, under Article 123 of the Constitution of India, cease to operate after six weeks from the reassembly of the next session of the Parliament, it is necessary to replace it by an Act. This Bill which is self-explanatory has, therefore, been brought before the Parliament.

JAGJIVAN RAM.

NEW DELHI;
The 25th July, 1950.

BILL No. 50 OF 1950.

A Bill to make certain additional provisions respecting the naval forces of the Union so as to ensure the proper discharge of their duties and the maintenance of discipline among them.

BE it enacted by Parliament as follows :—

1. *Short title.*—This Act may be called the Naval Forces (Miscellaneous Provisions) Act, 1950.

2. *Ineligibility of females for enrolment or appointment in the naval forces.*—No female shall be eligible for enrolment or appointment in the naval forces except in such department, branch or other body forming part of, or attached to any portion of, the naval forces as the Central Government may, by notification in the Official Gazette, specify in this behalf.

3. *Power to modify certain fundamental rights in their application to members of the naval forces.*—Subject to the provisions of any law for the time being in force

relating to the naval forces or to any part thereof, the Central Government may, by notification in the Official Gazette, make rules—

(*a*) restricting, to such extent and in such manner as may be necessary, the right of any member of the naval forces—

(i) to be a member of, or to be associated in any way with, any trade union or labour union, or any class of trade unions or labour unions, or any society, institution or association, or any class of societies, institutions or associations ;

(ii) to attend or address any meeting or to take part in any demonstration organised by any body of persons for any political or other purpose ;

(iii) to communicate with the press or to publish or cause to be published any book, letter or other document ;

(*b*) providing for the manner in which and the period for which any member of the naval forces may be taken into, and detained in, naval custody, pending the trial of any such member by a competent naval authority for any offence committed by him.

4. *Continuation of existing rules, regulations, etc.*—All rules, regulations, orders, directions, and instructions relating to members of the naval forces or any part thereof, made or issued before the commencement of this Act by or under the authority of the Central Government or of the Commander-in-Chief, Indian Navy, or by any other competent naval authority, shall, in so far as they relate to any of the matters dealt within this Act have effect as if they were rules made under this Act.

5. *Repeal of Ordinance XXI of 1950.*—(1) The Naval Forces (Miscellaneous Provisions) Ordinance, 1950 (XXI of 1950) is hereby repealed.

(2) Notwithsanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

STATEMENT OF OBJECTS AND REASONS.

Some of the regulations and executive instructions or orders to which members of the Armed Forces were subject prior to the 26th January 1950, had the effect of contravening some of the provisions of the Constitution relating to fundamental rights and would have become inoperative after that date but for the promulgation of the Armed Forces (Miscellaneous Provisions) Ordinance, 1950, on the 23rd January 1950. This Ordinance had to be promulgated as it was considered necessary that certain of the fundamental rights should be abrogated or restricted in their application to members of the Armed Forces so as to ensure the proper discharge of their duties and the maintenance of discipline among them. It was hoped that by the time this Ordinance lapsed, necessary legislation would have been passed by Parliament under Article 33 of the Constitution. In fact, so far as the Army and the Air Force are concerned, this has been done by including the relevant provisions of the Ordinance in the new Army and the Air Force Acts which were passed by Parliament on the 6th April, 1950. The new disciplinary code for the Navy is still under preparation and will not be ready for consideration by Parliament during this session. The Armed Forces (Miscellaneous Provisions) Ordinance lapsed on the 23rd July 1950, and in order to continue its application to

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the Navy from that date, it has been necessary to repromulgate the Ordinance in a modified form. The Naval Forces (Miscellaneous Provisions) Ordinance was therefore promulgated on the 23rd July 1950. As the life of an Ordinance is now limited to six weeks from the reassembly of Parliament and as the new Navy Bill would not have become law within that time, this Bill has been brought forward to convert the Ordinance into an Act.

BALDEV SINGH.

NEW DELHI;
The 29th July 1950.

The following Bills were introduced in Parliament on the 7th August, 1950:—

BILL No. 51 OF 1950.

A Bill further to amend the Coal Mines Provident Fund and Bonus Schemes Act, 1948.

BE it enacted by Parliament as follows:—

1. *Short title.*—This Act may be called the Coal Mines Provident Fund and Bonus Schemes (Amendment) Act, 1948.

2. *Amendment of section 1, Act XLVI of 1948.*—In sub-section (2) of section 1 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948 (hereinafter referred to as the said Act), for the words "except the States of Hyderabad, Jammu and Kashmir, Mysore and Travancore-Cochin" the words "except the State of Jammu and Kashmir" shall be substituted.

3. *Amendment of section 2, Act XLVI of 1948.*—In clause (*a*) of section 2 of the said Act, for the words "employee in a coal mine", the word employee" shall be substituted.

4. *Amendment of sections 3 and 5, Act XLVI of 1948.*—In sub-section (1) of section 3 and in sub-section (1) of section 5 of the said Act, for the words "employees in coal mines", the word "employees" shall be substituted,

4. *Amendment of Second Schedule, Act XLVI 1948.*—In item 1 of the Second Schedule to the said Act, for the words "employee in a coal mine" the word "employee" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The expression "employee" is defined by section 2 of the Coal Mines Provident Fund and Bonus Schemes Act, 1948, to mean any person who is employed in any kind of work, manual or otherwise, in or in connection with a coal mine and who gets his wages directly or indirectly from the employer. A doubt has been expressed that by reason of the use of the words "employee in a coal mine" or "employees in coal mines" in certain parts of the Act it is not permissible to extend the provident fund and bonus schemes to persons employed, say, in the central offices of a group of colliery-owners and ancillary organisations, although such offices are situated within the precincts of a mine and are connected with the mine. The present Bill seeks to make the definition apply uniformly throughout the Act. Ample powers exist in the Act to determine the employees or class of employees who shall be entitled to join the fund.

JAGJIVAN RAM.

NEW DELHI;
Dated 28th July, 1950.

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BILL No. 53 OF 1950.

A Bill to provide for the transfer of the business of the Allianz Under Stuttgarter Life Insurance Bank, Limited, to the United India Life Assurance Company, Limited, and for matters connected therewith.

BE it enacted by Parliament as follows :—

1. *Short title and commencement*—(1) This Act may be called the Allianz Und Stuttgarter Life Insurance Bank (Transfer) Act, 1950.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " the Act " means the Insurance Act, 1938 (IV of 1938) ;

(*b*) " transferee company " means the United India Life Assurance Company, Limited, having its registered office in Madras ;

(*c*) " transferor company " means the Allianz Und Stuttgarter Life Insurance Bank, Limited.

3. *Trnsfer of assets and liabilities of the transferor company to the transferee company.*—All the assets and liabilities of the transferor company which relate to or arise out of the life insurance business of the transferor company carried on immediately before the commencement of this Act by Messrs. A. F. Ferguson and Company, Chartered Accountants of Bombay, under the Defence of India Rules shall, by virtue of this Act, stand transferred to and vest in the transferee company, subject to the provisions of this Act and to the terms and conditions specified in the First Schedule.

4. *Effect of transfer of assets and liabilities to transferee company.*—(1) Every contract of life insurance, entered into between the transferor company and the holder of any life policy before the commencement of this Act, shall have effect as from such commencement as if the transferee company had been a party to the contract instead of the transferor Company and for any reference (however worded and whether express or implied) to the transferor company there were substituted as respects anything falling to be done on or after such commencement, a reference to the transferee company, and with such other modifications as may be necessary to transfer rights, liabilities and obligations under the contract so far as unperformed, from the transferor company to the transferee company ;

Provided that no provision in any such contract for the payment of any bonus, profit, interest or dividend on any life policy shall have effect against the transferee company except on the basis of an actuarial valuation of the business of the transferor company made after the commencement of this Act and to the extent, if any, that may be recommended by the actuary.

(2) For the removal of doubts it is hereby declared that notwithstanding any decision or rule of law to the contrary, no contract of life insurance as is referred to in sub-section (1) shall be deemed to have been dissolved merely by reason of the declaration that war had broken out between the Government of the United Kingdom and Germany.

5. *Cessation of payment of commission to past insurance agents.*—(1) Notwithstanding anything to the contrary contained in the Act or in any other law for the time being in force or in any contract, all contracts of agency entered into before the

31st day of July, 1942, between an insurance agent, a special agent or a chief agent (by whatever name called) and the transferor company, and any appointment made before the said date whereby remuneration is payable to any person in the form of commission or bonus, shall be deemed to have been terminated with effect from the said date and no commission or bonus due to such agent or person, whether on renewal premiums or otherwise, shall be payable to him in respect of any life policies procured by or through him before the said date.

(2) Notwithstanding anything to the contrary contained in any law for the time being in force, no compensation shall be payable to any person for the termination, in pursuance of this section, of any contract of agency or other appointment.

6. *Provision for facilitating transfer.*—The Central Government may, by order notified in the Official Gazette, make such incidental, supplementary or consequential provisions as, in its opinion, are necessary to secure that the transfer of the assets and liabilities of the transferor company to the transferee company are fully and effectively carried out, and in particular and, without prejudice to the generality of such power, provision may be made by order—

(*a*) for adapting the terms of contracts entered into between the transferor company and any other person before the commencement of this Act, so as to conform to the changes consequent on the passing of this Act in the circumstances in which the contracts will fall to be performed after such commencement;

(*b*) for requiring any person concerned with the keeping of the register of the holders of any securities or investments now transferred to the transferee company, to forthwith register the transferee company therein and to issue to the transferee company the appropriate documents of title relating to the securities or investments transferred to it;

(*c*) for the continuation by or against the transferee company of any legal proceedings pending by or against the transferor company.

7. *Power to give directions.*—(1) If any difficulty arises in giving effect to the provisions of this Act, the Controller of Insurance may, with the approval of the Central Government, give such directions to the transferee company as he may consider necessary and the transferee company shall be bound to comply with such directions.

(2) If the transferee company fails to comply with any direction given to it under sub-section (1) shall be deemed to have committed an offence punishable under section 102 of the Act.

8. *Repeal of certain notifications.*—The notifications specified in the Second Schedule shall cease to have effect on the commencement of this Act, except as respects things done or omitted to be done before such commencement.

THE FIRST SCHEDULE.

(See section 3).

Terms and conditions relating to the transfer of the business of the transferee company.

1. The transferee company shall maintain a separate account in which shall be shown the business of the transferor company which has been transferred to it and a separate valuation thereof shall be made from time to time with a view to

ascertaining whether profits appertaining to such business and divisible among holders of life policies exist.

2. The transferee company shall be bound to pay in full all claims arising out of any life policy issued by the transferor company and remaining to be paid at the commencement of this Act or falling to be paid at any time after such commencement.

3. Notwithstanding anything contained in Notification No. 168-I (23)-W/41 of the Government of India in the Commerce Department, dated the 27th day of June, 1942, the transferee company shall be liable to make good in respect of every policy of life insurance which had fallen due for payment before the commencement of this Act the difference between the amounts actually paid to the holder thereof by or on behalf of the transferor company in pursuance of the said notification and the full amount which would have been payable if that notification had not been issued.

4. If the transferee company recovers or receives any money from outside India which relate to the assets now transferred to the transferee company the same shall be applied by the transferee company for the benefit of the life policies of the transferor company issued in India.

THE SECOND SCHEDULE.

(See section 8).

Repeals.

Notification No. and date.	*Contents of Notification.*
1. No. 218-OR/39, dated the 14th December 1939, of the Government of India, Defence Co-ordination Department.	Authorising Messrs. A. F. Ferguson and Company Chartered Accountants of Bombay, to carry on the business of the transferor company under rule 113A of the Defence of India Rules, since continued in force by the Trading with the Enemy (Continuance of Emergency Provisions) Act, 1947 (XVI of 1947).
2. No. 168-1 (2)-W/39, dated the 22nd February, 1941, of the Government of India, Department of Commerce.	Granting exemptions to Messrs. A. F. Ferguson and Company from the operation of certain provisions of the Act.
3. No. 168-1 (23)-W-41, dated the 27th June, 1942, of the Government of India, Department of Commerce.	Exempting Messrs. A. F. Ferguson and Company from the obligation imposed by any contract of insurance in respect of so much thereof as is in excess of 80 per cent of the liability arising therefrom.

STATEMENT OF OBJECTS AND REASONS.

The Allianz Und Stuttgarter Life Insurance Bank, Limited, Delhi, is the Indian branch of the pre-war German firm, bearing the same name with its Head Office in Berlin. The Company carried on life insurance business in India. On the outbreak of the second World War, the property of the Allianz Und Stuttgarter was vested in the Custodian of Enemy Property. With a view to safeguarding the interests of its Indian policy-holders, the Government of India subsequently authorised Messrs.

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A. F. Ferguson and Company, Chartered Accountants, to carry on its business under rule 113A of the Defence of India Rules, subject to the superintendence, direction and control of the Central Government, and on the condition that no new contracts of life insurance were to be effected. The business is thus run as a closed fund which means a progressive increase in the cost of administration, and further, on the basis of actuarial valuation that was done, it has been considered advisable to effect a 20 per cent, cut in the policy payments.

2. The Advisory Board, which advises Government on the administration of this business, has now reviewed the position and has recommended that it would be in the best interests of the policy-holders if the business of this company is merged with that of some other sound insurer. It is accordingly proposed that the business of the Allianz Und Stuttgarter Life Insurance Bank, Limited, Delhi, should be transferred to the United India Life Assurance Company, Limited, Madras. This Company has *inter alia* offered to restore retrospectively the cut of 20 per cent, that has been effected in the policy payments.

3. This Bill is intended to make the necessary provision for transferring the business of the German firm in India to the United India Life Assurance Company, Limited, Madras.

SRI PRAKASA.

NEW DELHI;
The 2nd August, 1950.

BILL *NO. 54 OF 1950.

A Bill to provide for the establishment and maintenance of a Contingency Fund.

BE it enacted by the Parliament as follows:—

1. *Short title.*—This Act may be called the Contingency Fund of India Act, 1950.

2. *Establishment of the Contingency Fund of India.*—There shall be established a Contingency Fund in the nature of an imprest entitled the Contingency Fund of India, into which shall be paid from and out of the Consolidated Fund of India a sum of fifteen crores of rupees.

3. *Custody of the Contingency Fund and withdrawals therefrom.*—The Contingency Fund of India shall be held on behalf of the President by a Secretary to the Government of India in the Ministry of Finance, and no advances shall be made out of such Fund except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by Parliament under appropriations made by law.

4. *Power to make rules.*—For the purpose of carrying out the objects of this Act, the Central Government may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into and the withdrawals of moneys from, the Contingency Fund of India.

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*The President has, in pursuance of clause (1) of article 117 of the Constitution of India, recommended the introduction of the Bill.

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STATEMENT OF OBJECTS AND REASONS.

Pursuant to articles 267 (1) and 283 (1) of the Constitution, this Bill seeks to provide for the establishment of the Contingency Fund of India, and for the custody of, the payment of moneys into and the withdrawal of moneys from, such Fund. It is proposed to place a sum of fifteen crores of rupees in Fund, which will be administered by the Finance Ministry on behalf of the President. The advances will be resumed to the Fund as soon as the necessary supplementary funds have been authorised by Parliament through supplementary Appropriation Acts or at the end of the Financial year.

C. D. DESHMUKH.

NEW DELHI;
The 28th July, 1950.

The following Bill was introduced in Parliament on the 8th August, 1950 :—

BILL NO. 55 OF 1950.

A Bill to vest an Enquiring Authority with certain powers.

1. *Short title and extent.*—(1) This Act may be called the Sugar Crisis Enquiring Authority Act, 1950.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

2. *Definition.*—In this Act, " Enquiring Authority " means the person appointed under the Resolution of the Government of India in the Ministry of Agriculture, No. SV-101 (4-15)/50, dated the 12th June, 1950, to make an enquiry into some aspects of the sugar crisis.

3. *Powers of Enquiring Authority.*—(1) The Enquiring Authority shall have all the powers of a civil court, while trying a suit, under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely :—

(*a*) summoning and enforcing the attendance of any person and examining him on oath ;

(*b*) requiring the discovery and production of any document ;

(*c*) reception of evidence on affidavits ;

(*d*) requisitioning any public record from any court or office ;

(*e*) issuing commissions for the examination of witnesses.

(2) The Enquiring Authority shall have power to require any person to furnish information on such points or matters as, in the opinion of the Enquiry Authority, may be useful for, or relevant to, the subject-matter of enquiry.

(3) The Enquiring Authority, or any officer specially authorised by the Enquiring Authority, may enter any building or place where he has reason to believe that any books of account or other documents relevant to the subject-matter of the enquiry may be found, and may seize any such books of account or documents or take extracts or copies therefrom.

(4) The Enquiring Authority shall be deemed to be a civil court for the purposes of section 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898), and any proceeding before the Enquiring Authority shall be deemed to be a judicial

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proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (Act XLV of 1860).

4. *Statements made by persons to the Enquiring Authority.*—No statement made by a person in the course of giving evidence before the Enquiring Authority shall subject him to, or be used against him in, any civil or criminal proceeding except a prosecution for giving false evidence by such statement:

Provided that the statement—

(*a*) is made in reply to a question which he is required by the Enquiring Authority to answer, and

(*b*) is relevant to the subject-matter of the enquiry.

STATEMENT OF OBJECTS AND REASONS.

The Government of India in their Resolution No. SV-101 (4-15)/50, dated the 12th June, 1950, appointed Shri Ganga Nath, a retired Judge of the Allahabad High Court, to conduct an enquiry into certain aspects of the sugar crisis of July—August, 1949. It now appears that certain sugar mills are not voluntarily supplying information required of them to the Enquiring Authority. For a successful completion of the enquiry, it is, therefore, necessary to invest the Enquiring Authority with certain powers to summon witnesses, take evidence on oath, compel persons to furnish information and enable him and his inspecting staff to have access to and examine the records of certain persons and companies. This bill seeks to vest the Enquiring Authority with such powers.

K. M. MUNSHI.

NEW DELHI;

The 27th July, 1950.

M. N. KAUL,
Secretary.

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